

# EXHIBIT A

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## **Drought Contingency Plan for the**

### **City of Frisco**

**May 2005**

#### **1. INTRODUCTION AND OBJECTIVES**

This document is a drought contingency plan intended for adoption by North Texas Municipal Water District (NTMWD) member cities and customers. This plan addresses all of the current TCEQ requirements for a drought contingency plan.

The purpose of this drought contingency plan is as follows:

- To conserve the available water supply in times of drought and emergency
- To maintain supplies for domestic water use, sanitation, and fire protection
- To protect and preserve public health, welfare, and safety
- To minimize the adverse impacts of water supply shortages
- To minimize the adverse impacts of emergency water supply conditions.

The North Texas Municipal Water District (NTMWD) supplies treated water to its member cities and customers. This plan was developed by NTMWD in consultation with its member cities. In order to adopt this plan, each NTMWD member city and customer will need to adopt ordinance(s) or regulation(s) implementing the plan, including the determination of fines and enforcement procedures. The plan calls for member cities and customers to adopt drought stages initiated by NTMWD during a drought. Member cities and customer may also adopt more stringent drought stages than NTMWD if conditions warrant.

<sup>1</sup> Superscripted numbers match references listed in Appendix A.

## 2. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES

The TCEQ rules governing development of drought contingency plans for public water suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.20 of the Texas Administrative Code, which is included in Appendix B. For the purpose of these rules, a drought contingency plan is defined as “a strategy or combination of strategies for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies <sup>1</sup>.”

### Minimum Requirements

TCEQ’s minimum requirements for drought contingency plans are addressed in the following subsections of this report:

- 288.20(a)(1)(A) – Provisions to Inform the Public and Provide Opportunity for Public Input – Section 3.1
- 288.20(a)(1)(B) – Provisions for Continuing Public Education and Information – Section 3.2
- 288.20(a)(1)(C) – Coordination with the Regional Water Planning Group – Section 3.7
- 288.20(a)(1)(D) – Criteria for Initiation and Termination of Drought Stages – Section 3.3
- 288.20(a)(1)(E) – Drought and Emergency Response Stages – Section 3.4
- 288.20(a)(1)(F) – Water Supply and Demand Management Measures for Each Stage – Section 3.4
- 288.20(a)(1)(G) – Procedures for Initiation and Termination of Drought Stages – Section 3.3
- 288.20(a)(1)(H) - Procedures for Granting Variances – Section 3.5
- 288.20(a)(1)(I) - Procedures for Enforcement of Mandatory Restrictions – Section 3.6
- 288.20(a)(3) – Consultation with Wholesale Supplier – Sections 1, 3.3, and 3.4
- 288.20(b) – Notification of Implementation of Mandatory Measures – Section 3.3
- 288.20(c) – Review and Update of Plan – Section 3.8

### **3. DROUGHT CONTINGENCY PLAN**

#### **3.1 Provisions to Inform the Public and Opportunity for Public Input**

Member cities and customers will provide opportunity for public input in the development of this drought contingency plan by the following means:

- Providing written notice of the proposed plan and the opportunity to comment on the plan by newspaper, posted notice, and notice on the supplier's web site (if available).
- Making the plan available on the Frisco web site.
- Providing the plan to anyone requesting a copy.
- Holding a public meeting.

#### **3.2 Provisions for Continuing Public Education and Information**

Member cities and customers will inform and educate the public about the drought contingency plan by the following means:

- Preparing a bulletin describing the plan and making it available at city hall and other appropriate locations.
- Making the plan available to the public through the Frisco web site.
- Including information about the drought contingency plan on the Frisco web site.
- Notifying local organizations, schools, and civic groups that staff are available to make presentations on the drought contingency plan (usually in conjunction with presentations on water conservation programs).

At any time that the drought contingency plan is activated or the drought stage changes, member cities and customers will notify local media of the issues, the drought response stage, and the specific actions required of the public. The information will also be publicized on the Frisco web site. Billing inserts can also be used as appropriate.

#### **3.3 Initiation and Termination of Drought Response Stages**

##### **Initiation of a Drought Response Stage**

The City Manager or the official designee may order the implementation of a drought response stage or water emergency when one or more of the trigger conditions for that stage is met. The following actions will be taken when a drought stage is initiated:

- The public will be notified through local media and the Frisco web site as described in Section 3.2.
- Wholesale customers and the NTMWD will be notified by telephone with a follow-up letter, e-mail, or fax.

- If any mandatory provisions of the drought contingency plan are activated, member cities and customers will notify the Executive Director of the TCEQ within 5 business days.

Drought stages imposed by NTMWD action must be initiated by member cities and customers. For other trigger conditions, the City Manager or the official designee may decide not to order the implementation of a drought response stage or water emergency even though one or more of the trigger criteria for the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, the anticipation of replenished water supplies, or the anticipation that additional facilities will become available to meet needs. The reason for this decision should be documented.

#### Termination of a Drought Stage

The City Manager or the official designee may order the termination of a drought response stage or water emergency when the conditions for termination are met or at their discretion. The following actions will be taken when a drought stage is terminated:

- The public will be notified through local media and the Frisco web site as described in Section 3.2.
- Wholesale customers and the NTMWD will be notified by telephone with a follow-up letter, e-mail, or fax.
- If any mandatory provisions of the drought contingency plan that have been activated are terminated, member cities and customers will notify the Executive Director of the TCEQ within 5 business days.

The City Manager or the official designee may decide not to order the termination of a drought response stage or water emergency even though the conditions for termination of the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, or the anticipation of potential changed conditions that warrant the continuation of the drought stage. The reason for this decision should be documented.

### **3.4 Drought and Emergency Response Stages**

#### **Stage 1, Mild (Voluntary)**

##### Initiation and Termination Conditions for Stage 1, Mild

- The NTMWD has initiated Stage 1, Mild, which may also be initiated by one or more of the following:
  - The water level in Lake Lavon has fallen below elevation 484.0 msl (8 feet below the top of conservation storage).
  - NTMWD demand exceeds 90% of the amount that can be delivered to customers for seven consecutive days.

- Water demand for all or part of NTMWD's delivery system approaches delivery capacity because delivery capacity is inadequate.
- NTMWD supply source becomes contaminated.
- NTMWD water supply system is unable to deliver water due to the failure or damage of major water system components.
- Water use is approaching the limit of the permitted supply.
- City of Frisco maximum daily flow exceeds 2.5 times the average daily flow from the preceding months of January, February, and March for seven consecutive days.
- City of Frisco water demand for all or part of the delivery system approaches delivery capacity because delivery capacity is inadequate.
- City of Frisco supply source becomes contaminated.
- City of Frisco water supply system is unable to deliver water due to the failure or damage of major water system components.
- City of Frisco individual plan may be implemented if other criteria dictate.

Stage 1 would terminate when NTMWD terminates its Stage 1 condition or when the circumstances that caused the initiation of Stage 1 no longer prevail.

#### Goal for Use Reduction and Actions Available under Stage 1, Mild

Stage 1, Mild, is intended to raise public awareness of potential drought problems. There is no goal for reduction of water use. The City Manager or the official designee may order the implementation of any of the actions listed below, as deemed necessary:

- Request voluntary reductions in water use by the public and by wholesale customers.
- Increase public education efforts on ways to reduce water use.
- Review the problems that caused the initiation of Stage 1.
- Notify major water users and work with them to achieve voluntary water use reductions.
- Intensify efforts on leak detection and repair.
- Reduce non-essential city government water use. (Examples include street cleaning, vehicle washing, operation of ornamental fountains, etc.)
- Reduce city government water use for landscape irrigation.
- Notify wholesale customers of actions being taken and request implementation of similar procedures.

**Stage 2, Moderate (Voluntary/Mandatory Upgrade)****Initiation and Termination Conditions for Stage 2, Moderate**

- The NTMWD has initiated Stage 2, Moderate, which may be initiated by one or more of the following:
  - The water level in Lake Lavon has fallen below elevation 481.0 msl (11 feet below the top of conservation storage).
  - NTMWD demand exceeds 95% of the amount that can be delivered to customers for five consecutive days.
  - NTMWD demand for all or part of the delivery system equals delivery capacity because delivery capacity is inadequate.
  - NTMWD supply source becomes contaminated.
  - NTMWD water supply system is unable to deliver water due to the failure or damage of major water system components.
  - Water use is approaching the limit of the permitted supply.
- City of Frisco maximum daily flow exceeds 3.0 times the average daily flow from the preceding months of January, February, and March for five consecutive days for voluntary restrictions and fifteen consecutive days for mandatory restrictions.
- City of Frisco demand for all or part of the delivery system equals delivery capacity because delivery capacity is inadequate.
- City of Frisco supply source becomes contaminated.
- City of Frisco water supply system is unable to deliver water due to the failure or damage of major water system components.
- City of Frisco individual plan may be implemented if other criteria dictate.

Stage 2 can terminate when NTMWD terminates its Stage 2 condition or when the circumstances that caused the initiation of Stage 2 no longer prevail.

**Goal for Use Reduction and Actions Available under Stage 2, Moderate**

The goal for water use reduction under Stage 2, Moderate, is a ten percent reduction in the use that would have occurred in the absence of drought contingency measures. The City Manager or the official designee may order the implementation of any of the actions listed below, as deemed necessary:

- Continue or initiate any actions available under Stage 1.
- Initiate engineering studies to evaluate alternatives should conditions worsen.
- Further accelerate public education efforts on voluntary ways to reduce water use, which may be upgraded to mandatory restrictions.

- Notify all City of Frisco water users of the following water use schedule for all landscape and outdoor water usage:

<b><u>Last Digit of Address</u></b>	<b><u>Allowed Landscape Water Days</u></b>
<b>Retail, Businesses, Industrial and Commercial Customers</b>	<b>Monday and Thursday</b>
<b>Schools, Places of Worship, Parks, Designated Open Space, Medians/ROW, and other Non-Residential Users</b>	<b>Monday and Thursday</b>
<b>Residential Only 0,2,4,6,8</b> (Includes Duplexes, Town homes and Apartments)	<b>Tuesday and Saturday</b>
<b>Residential Only 1,3,5,7,9</b> (Includes Duplexes, Town homes and Apartments)	<b>Wednesday and Sunday</b>
<b>Storage Tank Recovery</b>	<b>Friday</b>

**\* A 30-day exemption is allowed for new landscaping. Soaker hoses for foundation maintenance are exempt**

- Halt non-essential city government water use. (Examples include street cleaning, vehicle washing, operation of ornamental fountains, etc.)
- Encourage the public to wait until the current drought or emergency situation has passed before establishing new landscaping.
- Notify wholesale customers of actions being taken and request them to implement similar procedures.

### **Stage 3, Severe (Mandatory)**

#### **Initiation and Termination Conditions for Stage 3, Severe**

- The NTMWD has initiated Stage 3, Severe, which may also be initiated by one or more of the following:
  - The water level in Lake Lavon has fallen below elevation 478.0 msl (14 feet below the top of conservation storage).
  - NTMWD demand exceeds 98% of the amount that can be delivered to customers for three consecutive days.
  - NTMWD demand for all or part of the delivery system exceeds delivery capacity because delivery capacity is inadequate.



- NTMWD supply source becomes contaminated.
- NTMWD water supply system is unable to deliver water due to the failure or damage of major water system components.
- Water use is approaching the limit of the permitted supply.
- City of Frisco maximum daily flow exceeds 3.5 times the average daily flow from the preceding months of January, February, and March for three consecutive days.
- City of Frisco demand for all or part of the delivery system exceeds delivery capacity because delivery capacity is inadequate.
- City of Frisco supply source becomes contaminated.
- City of Frisco water supply system is unable to deliver water due to the failure or damage of major water system components.
- City of Frisco individual plan may be implemented if other criteria dictate.

Stage 3 can terminate when NTMWD terminates its Stage 3 condition or when the circumstances that caused the initiation of Stage 3 no longer prevail.

#### Goals for Use Reduction and Actions Available under Stage 3, Severe

The goal for water use reduction under Stage 3, Severe, is a reduction of twenty percent in the use that would have occurred in the absence of drought contingency measures. If circumstances warrant or if required by NTMWD, the City Manager or the official designee can set a goal for a greater water use reduction.

The City Manager or the official designee must implement any action(s) required by North Texas Municipal Water District. In addition, the City Manager or the official designee may order the implementation of any of the actions listed below, as deemed necessary. Measures described as “requires notification to TCEQ” impose mandatory requirements on customers. The supplier must notify TCEQ within five business days if these measures are implemented:

- Continue or initiate any actions available under Stages 1 and 2.
- Implement viable alternative water supply strategies.
- **Requires Notification to TCEQ** – Initiate mandatory water use restrictions as follows:
  - Prohibit hosing of paved areas, buildings, or windows.
  - Prohibit operation of ornamental fountains.
  - Prohibit washing or rinsing of vehicles by hose.
  - Prohibit using water in such a manner as to allow runoff or other waste.
- **Requires Notification to TCEQ** – Limit landscape watering at each service address to once every seven days based on the last digit of the address. (Exceptions: Foundations, azaleas, new plantings (first year) of trees and shrubs may be watered for up to 2 hours on any day by a hand-held hose or a soaker

hose. (Restrictions do not apply to locations using treated wastewater effluent for irrigation.)

The City of Frisco mandatory seven day watering schedule is as follows:

<b><u>Last Digit of Address</u></b>	<b><u>Allowed Landscape Water Days</u></b>
<b>Retail, Businesses, Industrial And Commercial Customers</b>	<b>Monday</b>
<b>Residential Only 0,2,4,6,8</b> (Includes Duplexes, Town homes and Apartments)	<b>Tuesday</b>
<b>Residential Only 1,3,5,7,9</b> (Includes Duplexes, Town homes and Apartments)	<b>Wednesday</b>
<b>Schools, Places of Worship, Parks, Designated Open Space, Medians/ROW and other Non- Residential Users</b>	<b>Thursday</b>
<b>Storage Tank Recovery</b>	<b>Friday, Saturday and Sunday</b>

**\* Soaker hoses for foundation maintenance are exempt**

- **Requires Notification to TCEQ** – Prohibit draining and filling of existing pools and filling of new pools. (Pools may add water to replace losses during normal use.)
- **Requires Notification to TCEQ** – Prohibit establishment of new landscaping.
- Initiate a rate surcharge of up to 10% for all water use over 4,000 gallons per month.
- Discontinue city government water use for landscape irrigation, except as needed to prevent foundation damage, keep golf course greens and tee boxes alive, and preserve new plantings.
- Notify wholesale customers of actions being taken and request them to implement similar procedures.
- If NTMWD has imposed a reduction in water available to member cities and customers, impose the same percent reduction on wholesale customers.

**Stage 4, Emergency (Mandatory)****Initiation and Termination Conditions for Stage 4, Emergency**

- The NTMWD has initiated Stage 4, Emergency, which may also be initiated by one or more of the following:
  - The water level in Lake Lavon has fallen below elevation 475.0 msl (17 feet below the top of conservation storage).
  - NTMWD demand exceeds the amount that can be delivered to customers.
  - NTMWD demand for all or part of the delivery system seriously exceeds delivery capacity because the delivery capacity is inadequate.
  - NTMWD supply source becomes contaminated.
  - NTMWD water supply system is unable to deliver water due to the failure or damage of major water system components.
  - Water use is approaching the limit of the permitted supply.
- City of Frisco demand exceeds the amount that can be delivered to customers.
- City of Frisco demand for all or part of the delivery system seriously exceeds delivery capacity because the delivery capacity is inadequate.
- City of Frisco supply source becomes contaminated.
- City of Frisco water supply system is unable to deliver water due to the failure or damage of major water system components.
- City of Frisco individual plan may be implemented if other criteria dictate.

Stage 4 can terminate when NTMWD terminates its Stage 4 condition or when the circumstances that caused the initiation of Stage 4 no longer prevail.

**Goals for Use Reduction and Actions Available under Stage 4, Emergency**

The goal for water use reduction under Stage 4, Emergency, is a reduction to prevent public health emergencies that would have occurred in the absence of drought contingency measures. If circumstances warrant or required by NTMWD, the City Manager or the official designee can set a goal for further water use reduction.

The City Manager or the official designee must implement any action(s) required by North Texas Municipal Water District. In addition, the City Manager or the official designee may order the implementation of any of the actions listed below, as deemed necessary. Measures described as “requires notification to TCEQ” impose mandatory requirements on member cities and customers. The supplier must notify TCEQ within five business days if these measures are implemented.

- Continue or initiate any actions available under Stages 1, 2, and 3.
- Implement viable alternative water supply strategies.

- **Requires Notification to TCEQ** – Prohibit any and all outdoor/landscaping water usage until the emergency has subsided. This applies to all metered water users utilizing the City's public water supply and encompasses all residential (single or multiple dwellings), commercial (car washes, nurseries, businesses, industries), recreational (public/private golf courses, parks, athletic fields), religious, health care public/private schools and municipal entities. This restriction also applies to new landscaping and soaker hoses.
- **Requires Notification to TCEQ** – Require all commercial water users to reduce water use by a percentage established by the City Manager or the official designee.
- Use of water for municipal purposes shall be limited only to those activities necessary to maintain the public health, safety, and welfare.
- Use of water from fire hydrants is prohibited except for fire fighting and related activities.
- Initiate a rate surcharge of up to 25% over normal rates for all water use over 4,000 gallons per month.
- Notify wholesale customers of actions being taken and request them to implement similar procedures.
- If NTMWD has imposed a reduction in water available to member cities and customers, impose the same percent reduction on wholesale customers.

### **3.5 Procedures for Granting Variances to the Plan**

The City Manager or the official designee may grant temporary variances for existing water uses otherwise prohibited under this drought contingency plan if one or more of the following conditions are met:

- Failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person requesting the variance.
- Compliance with this plan cannot be accomplished due to technical or other limitations.
- Alternative methods that achieve the same level of reduction in water use can be implemented.

Variances shall be granted or denied at the discretion of the City Manager or the official designee. All petitions for variances should be in writing and should include the following information:

- Name and address of the petitioners
- Purpose of water use
- Specific provisions from which relief is requested
- Detailed statement of the adverse effect of the provision from which relief is requested

- Description of the relief requested
- Period of time for which the variance is sought
- Alternative measures that will be taken to reduce water use
- Other pertinent information.

### **3.6 Procedures for Enforcing Mandatory Water Use Restrictions**

Mandatory water use restrictions may be imposed in Stage 3 and Stage 4 drought stages. These mandatory water use restrictions will be enforced by warnings and penalties as follows:

- On the first violation, customers will be warned they have violated the mandatory water use restriction.
- On the second and subsequent violations, citations may be issued to customers, with minimum and maximum fines established by ordinance.
- After three violations have occurred, the City of Frisco may disconnect water service to the customer.
- The City of Frisco maintains the right, at any violation level, to disconnect water service to a customer.

### **3.7 Coordination with the Regional Water Planning Group and NTMWD**

Appendix C includes a copy of a letter sent to the Chair of the Region C water planning group with this water conservation and drought contingency plan.

The City of Frisco will send a draft of its ordinance(s) or other regulation(s) implementing this plan to NTMWD for their review and comment. The City of Frisco will also send the final ordinance(s) or other regulation(s) to NTMWD.

### **3.8 Review and Update of Drought Contingency Plan**

As required by TCEQ rules, the City of Frisco will review this drought contingency plan every five years. The plan will be updated as appropriate based on new or updated information.

**APPENDIX A**  
**LIST OF REFERENCES**

## **Appendix A**

### **List of References**

- (1) Title 30 of the Texas Administrative Code, Part 1, Chapter 288, Subchapter A, Rules 288.1 and Subchapter B, Rule 288.20, downloaded from <http://www.tnrcc.state.tx.us/oprd/rules/pdflib/288a.pdf>, November 2003.
- (2) Freese and Nichols, Inc.: *North Texas Municipal Water District Water Conservation and Drought Management Plan*, prepared for the North Texas Municipal Water District, Fort Worth, November 2003.

The following conservation and drought contingency plans and related documents were reviewed in the development of this plan. References marked with a \* were used heavily in the development of this plan.

- (3) City of Austin Water Conservation Division: "City of Austin Water Drought Contingency Plan, Developed to Meet Senate Bill 1 Regulatory Requirements," Austin, August 1999.
- (4) City of Austin Water Conservation Division: "City of Austin Water Conservation Plan, Developed to Meet Senate Bill 1 Regulatory Requirements," Austin, August 1999.
- (5) Upper Trinity Regional Water District: "Water Conservation Plan and Emergency Water Demand Management Plan," adopted by the Board of Directors, Lewisville, August 5, 1999.
- (6) Upper Trinity Regional Water District: "Water Conservation Plan and Emergency Water Demand Management Plan (2002 Amended)," adopted by the Board of Directors, Lewisville, February 2002.
- (7) \*City of Dallas Water Utilities Department: "City of Dallas Water Management Plan," adopted by the City Council, Dallas, September 1999.
- (8) Updates to City of Dallas Water Management Plan found at <http://www.dallascityhall.com> in September 2003.
- (9) \*City of Dallas Water Utilities Department: "City of Dallas Water Conservation Plan," adopted by the City Council, Dallas, September 1999.
- (10) \*City of Fort Worth: "Water Conservation plan for the City of Fort Worth," Fort Worth, August 1999.
- (11) Updates to the City of Fort Worth water conservation plan found at <http://ci.fort-worth.tx.us> in September 2003.
- (12) \*City of Fort Worth: "Emergency Water Management Plan for the City of Fort Worth," Fort Worth, August 19, 2003.

- (13) HDR Engineering, Inc.: "Water Conservation and Emergency Demand Management Plan," prepared for the Tarrant Regional Water District, Austin, February 2000.
- (14) Freese and Nichols, Inc.: "Water Conservation and Drought Contingency Plan," prepared for Brown County Water Improvement District No. 1, Fort Worth, August 1999.
- (15) Freese and Nichols, Inc.: "Water Conservation and Drought Contingency Plan," prepared for the Sabine River Authority of Texas, Fort Worth, September 1994.
- (16) HDR Engineering, Inc.: "Water Conservation and Emergency Demand Management Plan," prepared for the Tarrant Regional Water District, Austin, June 1998.
- (17) HDR Engineering, Inc.: "Water Conservation Plan for the City of Corpus Christi," adopted by the City of Corpus Christi City Council, August 24, 1999.
- (18) City of Houston's water conservation plan downloaded September 2003 from <http://www.cityofhouston.gov>
- (19) City of Houston: "Ordinance N. 2001-753, Amending Chapter 47 of the Code of Ordinances Relating to Water Emergencies," Houston, August 2001.
- (20) City of Houston: "Ordinance No. 98-764, Relating to Water Conservation," Houston, September 1998.
- (21) City of Houston: "Water Conservation Plan," 1998.
- (22) City of Houston: "Water Emergency Response Plan," Houston, July 15, 1998.
- (23) City of Lubbock: "Water Conservation Plan," ordinance number 10177 adopted by the City Council in August 1999.
- (24) City of El Paso Water Conservation Ordinance downloaded August 14, 2003 from <http://www.epwu.org/ordinance.html>
- (25) San Antonio Water System: "Water Conservation and Reuse Plan," San Antonio, November 1998 with June 2002 updates.
- (26) North Texas Municipal Water District: "District Policy No. 24 Water Conservation Plan Containing Drought Contingency Plan," adopted August 1999.
- (27) GDS Associates, Inc.: "Water Conservation Study," prepared for the Texas Water Development Board, Fort Worth, 2002.
- (28) A & N Technical Services, Inc.: "BMP Costs & Savings Study: A Guide to Data and Methods for Cost-Effectiveness Analysis of Urban Water Conservation Best Management Practices," prepared for The California Urban Water Conservation Council, Santa Monica, California, July 2000.
- (29) \*City of Dallas: "City of Dallas Ordinances, Chapter 49, Section 21.1," Dallas, October 1, 2001.



**APPENDIX B**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES  
ON DROUGHT CONTINGENCY PLANS**

**APPENDIX B**  
**Texas Commission on Environmental Quality Rules on Drought Contingency Plans**

**Texas Administrative Code**

<b><u>TITLE 30</u></b>	<b>ENVIRONMENTAL QUALITY</b>
<b><u>PART 1</u></b>	<b>TEXAS COMMISSION ON ENVIRONMENTAL QUALITY</b>
<b><u>CHAPTER 288</u></b>	<b>WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS, GUIDELINES AND REQUIREMENTS</b>
<b><u>SUBCHAPTER B</u></b>	<b>DROUGHT CONTINGENCY PLANS</b>
<b><u>RULE §288.20</u></b>	<b>Drought Contingency Plans for Municipal Uses by Public Water Suppliers</b>

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- (a) A drought contingency plan for a retail public water supplier, where applicable, shall provide information in response to each of the following.
- (1) Minimum requirements. Drought contingency plans shall include the following minimum elements.
- (A) Preparation of the plan shall include provisions to actively inform the public and affirmatively provide opportunity for public input. Such acts may include, but are not limited to, having a public meeting at a time and location convenient to the public and providing written notice to the public concerning the proposed plan and meeting.
- (B) Provisions shall be made for a program of continuing public education and information regarding the drought contingency plan.
- (C) The drought contingency plan must document coordination with the Regional Water Planning Groups for the service area of the retail public water supplier to insure consistency with the appropriate approved regional water plans.
- (D) The drought contingency plan shall include a description of the information to be monitored by the water supplier, and specific criteria for the initiation and termination of drought response stages, accompanied by an explanation of the rationale or basis for such triggering criteria.
- (E) The drought contingency plan must include drought or emergency response stages providing for the implementation of measures in response to at least the following situations:
- (i) reduction in available water supply up to a repeat of the drought of record;
- (ii) water production or distribution system limitations;
- (iii) supply source contamination; or
- (iv) system outage due to the failure or damage of major water system components (e.g., pumps).
- (F) The drought contingency plan must include the specific water supply or water

demand management measures to be implemented during each stage of the plan including, but not limited to, the following:

- (i) curtailment of non-essential water uses; and
  - (ii) utilization of alternative water sources and/or alternative delivery mechanisms with the prior approval of the executive director as appropriate (e.g., interconnection with another water system, temporary use of a non-municipal water supply, use of reclaimed water for non-potable purposes, etc.).
- (G) The drought contingency plan must include the procedures to be followed for the initiation or termination of each drought response stage, including procedures for notification of the public.
- (H) The drought contingency plan must include procedures for granting variances to the plan.
- (I) The drought contingency plan must include procedures for the enforcement of any mandatory water use restrictions, including specification of penalties (e.g., fines, water rate surcharges, discontinuation of service) for violations of such restrictions.
- (2) Privately-owned water utilities. Privately-owned water utilities shall prepare a drought contingency plan in accordance with this section and shall incorporate such plan into their tariff.
- (3) Wholesale water customers. Any water supplier that receives all or a portion of its water supply from another water supplier shall consult with that supplier and shall include in the drought contingency plan appropriate provisions for responding to reductions in that water supply.
- (b) A wholesale or retail water supplier shall notify the executive director within five business days of the implementation of any mandatory provisions of the drought contingency plan.
- (c) The retail public water supplier shall review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as the adoption or revision of the regional water plan.

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**Source Note:** The provisions of this §288.20 adopted to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544